

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No: 6,875,872 B1
 Issued: April 5, 2005
 Name of Patentee: Lindberg et al.
 Title of Invention: Compounds
 Serial No.: 09/690,044
 Examiner: Cecilia Chang
 Art Unit: 1625

I hereby certify that this paper is being
 transmitted via the Electronic Filing System
 to the U.S. Patent and Trademark Office on
 the date indicated below.

/Andrew Fessak/ March 8, 2010
 Signature Date

Certificates of Correction Branch
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT
FOR PTO MISTAKE (37 C.F.R. §1.322) and FOR PATENTEES' MISTAKE

1. It is noted that printing errors appear in the referenced patent which are attributable to the Office and/or the Patentees.
2. The location where the error is shown correctly in the application file is:

Column and Line Number of Issued Patent	Location in Application File Where the Error is Shown Correctly
Col. 14 : Claim 1, lines 17-18: "3,5,dimethyl" should read --3,5-dimethyl--.	Abstract as originally filed Line 3
Col. 14: Claim 3, line 23: "crystalline" should read --crystalline--.	Amendment filed Jul. 8, 2004 Original claim 44.
Col. 14: Claim 4, lines 24-25: "3,5,dimethyl" should read --3,5-dimethyl--.	Abstract as originally filed Line 3
Col. 14: Claim 6, line 31: "crystalline" should read --crystalline--.	Amendment filed Jul. 8, 2004 Original claim 47.

Column and Line Number of Issued Patent	Location in Application File Where the Error is Shown Correctly
Col. 14: Claim 7, line 32-33: “3,5,dimethyl” should read --3,5-dimethyl--.”	Abstract as originally filed Line 3
Col. 14: Claim 7, line 34: “at last” should read --at least--.	Amendment filed Jul. 8, 2004 Original claim 48.
Col. 14: Claim 10, lines 40-41: “(-)5-methoxy” should read --(-)-5-methoxy--.	Amendment filed Jul. 8, 2004 Original claim 51; and Abstract as originally filed, line 3
Col. 14: Claim 10, lines 40-41: “3,5,dimethyl” should read: --3,5-dimethyl--.	Abstract as originally filed, line 3
Col. 14: Claim 12, line 46: “claim 10” should read --claim 10 or 11--.	Amendment filed Jul. 8, 2004 Original claim 53.

3. Attached is a copy of Form PTO/SB/44 (also Form PTO-1050).

4. The errors attributable to Patentees involve a typographical error in the name of the compound as recited in patent claims 1, 4, 7, and 10. Specifically, the name of the compound should have a hyphen between “5” and “dimethyl”, i.e. “3,5-dimethyl” (correct), instead of a comma, i.e. “3,5,dimethyl” (incorrect). The correct name of the compound is found throughout the specification, for example, in line 3 of the Abstract as originally filed. In support of the requested correction, Patentees are attaching a markup copy of the Abstract as originally filed.

The remaining errors identified in the table above are typographical errors attributable to the PTO. In support of the requested corrections, Patentees are submitting a markup copy of the claims filed Jul. 8, 2004, which contains the correct text for the errors attributable to the PTO. This Amendment also contains what appear to be the Examiner’s handwritten claim renumbering prior to issue.

6. Patentee requests that the issuance of a Certificate of Correction be expedited in accordance with the PTO’s policy for expediting issuance of Certificates of Correction, as

outlined in the PTO notice, issued August 21, 2002 entitled "Expedited Issuance of Certificates of Correction when the Error is Attributable to the United States Patent and Trademark Office".

7. Please send the Certificate of Correction to the undersigned Agent.
8. The Commissioner is authorized to charge the required fee of \$100 under 37 C.F.R. §1.20(a), or any other fee which may be due, to Deposit Account No. 23-1703.

Dated: March 8, 2010

Respectfully submitted,

/Andrew Fessak/
Andrew Fessak, Reg. No. 48,528
Customer No. 007470
Direct Line: (212) 819-8437

Enclosures

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Patent No: 6,875,872 B1
Issued: April 5, 2005
Name of Patentee: Lindberg et al.

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It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Col. 14:

Claim 1, lines 17-8: "3,5,dimethyl" should read --3,5-dimethyl--.

Claim 3, line 23: "crystalline" should read --crystalline--.

Claim 4, lines 24-25: "3,5,dimethyl" should read --3,5-dimethyl--.

Claim 6, line 31: "crystalline" should read --crystalline--.

Claim 7, line 32-33: "3,5,dimethyl" should read --3,5-dimethyl--.

Claim 7, line 34: "at last" should read --at least--.

Claim 10, lines 40-41: "(-)-methoxy" should read --(-)-5-methoxy-- and
"3,5,dimethyl" should read: --3,5-dimethyl--.

Claim 12, line 46: "claim 10" should read --claim 10 or 11--.

MAILING ADDRESS OF SENDER:

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(Certificate of Correction (PTO/SB/44) [14-3]—page 1 of 1)

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filed October 16, 2000
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AMENDMENT TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently amended) Magnesium salt of (-)-5-methoxy-2-[[[(4-methoxy-3,5-dimethyl-2-pyridinyl)methyl]sulfinyl]-1H-benzimidazole **in an optical purity of at least about 94% enantiomeric excess.**

Claims 2-42 Canceled

2 43. (New) The compound according to claim 1, wherein the optical purity is at least 94% enantiomeric excess.

3 44. (New) The compound according to claim 1 or 43, wherein the compound is in **crystalline** form.

4 45. (New) Magnesium salt of (-)-5-methoxy-2-[[[(4-methoxy-3,5-dimethyl-2-pyridinyl)methyl]sulfinyl]-1H-benzimidazole in an optical purity of at least about 98.4% enantiomeric excess.

4 46. (New) The compound according to claim 45, wherein the optical purity is at least 98.4% enantiomeric excess.

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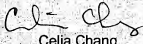
- 6 47. (New) The compound according to claim 45 or 46, wherein the compound is in crystalline form.
- 7 48. (New) Magnesium salt of (-)-5-methoxy-2-[[[(4-methoxy-3,5-dimethyl-2-pyridinyl)methyl]-sulfinyl]-1H-benzimidazole in an optical purity of at least about 99.8% enantiomeric excess.
- 8 49. (New) The compound according to claim 48, wherein the optical purity is at least 99.8% enantiomeric excess.
- 9 50. (New) The compound according to claim 48 or 49, wherein the compound is in crystalline form.
- 10 51. (New) Magnesium salt of (-)-5-methoxy-2-[[[(4-methoxy-3,5-dimethyl-2-pyridinyl)methyl]-sulfinyl]-1H-benzimidazole in an optical purity of at least about 99.9% enantiomeric excess.
- 11 52. (New) The compound according to claim 51, wherein the optical purity is at least 99.9% enantiomeric excess.
- 12 53. (New) The compound according to claim 51 or 52, wherein the compound is in crystalline form.

Abstract

The novel optically pure compounds Na^+ , Mg^{2+} , Li^+ , K^+ , Ca^{2+} and $\text{N}^+(\text{R})_4$ salts of (+)-5-methoxy-2-[[[(4-methoxy-3,5-dimethyl-2-pyridinyl)methyl]sulfinyl]-1H-benzimidazole or (-)-5-methoxy-2-[[[(4-methoxy-3,5-dimethyl-2-pyridinyl)methyl]sulfinyl]-1H-benzimidazole, in particular sodium and magnesium salt form thereof, where R is an alkyl with 1-4 carbon atoms, processes for the preparation thereof and pharmaceutical preparations containing the compounds as active ingredients, as well as the use of the compounds in pharmaceutical preparations and intermediates obtained by preparing the compounds.

09690044-101600

Issue Classification 	Application No.	Applicant(s)	
	09/690,044	LINDBERG ET AL.	
	Examiner	Art Unit	
	Celia Chang	1625	

ISSUE CLASSIFICATION									
ORIGINAL				CROSS REFERENCE(S)					
CLASS	SUBCLASS			CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)				
546	273.7			514	338				
INTERNATIONAL CLASSIFICATION									
C	0	7	D	401/12					
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(Assistant Examiner) (Date)  (Legal Instruments Examiner) (Date)				 Celia Chang Primary Examiner Art Unit 1625 (Primary Examiner) (Date)				Total Claims Allowed: 12	
								O.G. Print Claim(s) 1	O.G. Print Fig. 0

Claims renumbered in the same order as presented by applicant										<input type="checkbox"/> CPA	<input type="checkbox"/> T.D.	<input type="checkbox"/> R.1.47	
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